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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/650,146
Filing Date: August 27, 2003
Appellant(s): AMERGA ET AL.

Himanshu S. Amin

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 4/29/08 appealing from the Office action mailed.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

7,089,004	Jeong et al.	8-2006
2002/0032032	Haumont et al.	3-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeong et al. (US Patent 7,089,004) in view of Haumont et al. (US Pub. 2002/0032032).

Regarding claims 1, 4 and 18, Jeong et al. disclose an apparatus, comprising a searcher for:

detecting a plurality of cells to form a ranked list of monitored cells (see col.11 lines 4-5);

searching each cell from a first list of cells during each of a series of cycles (see col.10 line 65 through col.11 line 1); and

searching each cell from a subset of a second list of cells during each of the series of cycles (see col.11 lines 2-4); and

a processor (see col.6 lines 58-60) for:

ranking the list of monitored cells to form a ranked list of monitored cells (see col.11 line 1);

selecting the first list of cells from the ranked list of monitored cells (see col.11 lines 2-3); and

selecting the subset of the second list of cells, the second list of cells comprising the remaining cells from the ranked list of monitored cells not selected in the first list of cells (see col.11 lines 2-3), and the selected subset varying during each cycle (see col.11 lines 2-20).

Jeong et al. disclose ranking the list of monitored cells; however, Jeong et al. fail to disclose determined from the strength of a strongest cell.

Haumont et al. disclose determined from the strength of a strongest cell (see par.013). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Jeong et al. with the above teaching of Haumont et al. in order select the strongest signals which can provide better interference reduction.

Regarding claims 2 and 5, the modified Jeong et al. disclose the processor further: compares the number of cells in the list of monitored cells to a pre-determined search number; and wherein: the ranking, selecting the first list, and selecting the subset of the second list is

performed when the number of cells in the monitored list is greater than the pre-determined search number (see Jeong, col.10 lines 38-40).

Regarding claims 3 and 6, the modified Jeong et al. disclose the processor directs the searcher to search each cell in the list of monitored cells when the number of cells in the monitored list is less than or equal to the pre-determined search number (see Jeong, col.10 lines 45-50).

Regarding claim 7, the modified Jeong et al. disclose each subset selected from the second list is selected in round-robin fashion (see Jeong, col.2 lines 24-26).

Regarding claim 9, the modified Jeong et al. disclose the detecting step is repeated with a minimum frequency according to one or more pre-determined refresh parameters (see Jeong, col.8 lines 5-25).

Regarding claim 8, the modified Jeong et al. disclose the cells are ranked in decreasing order of measured signal strength (see Jeong, col.9 lines 38-39, it is inherent that the cells which have strong signals are in list of active cell and the less strong signal are in the remaining lists).

Regarding claims 10 and 14, the modified Jeong et al. disclose the detecting step comprises one or more search types (see Jeong, col.7 lines 44-45).

Regarding claims 11 and 15, the modified Jeong et al. disclose the detecting step comprises intra-frequency searching (see Jeong, col.7 lines 44-45).

Regarding claims 13, 16-17, the modified Jeong et al. disclose the detecting step comprises inter-frequency searching (see Jeong, col.7 lines 44-45).

(10) Response to Argument

In response to Appellants argument, Appeal brief page 5, Jeong et al. teaches away from the subject claims, which teach that for each search cycle a higher ranked set of cells from the monitored list plus a subset of the lower ranked cells can be scanned, wherein the subset of lower ranked cells can vary with each cycle, the examiner respectfully disagrees, Jeong et al. disclose ranking set of cells (see col. lines 11-13, queue list active group 1) and a subset of lower ranked cells (queue list candidate group 2), wherein the search interval (different cycles) is varied depending on the list size (col.9 lines 19-20, col.10 lines 5-10). More emphasis, Jeong et al. disclose group 1 is measured every 40 ms cycle (col.11 lines 1-2) and group 2 is measured every 100 ms cycle (col.11 lines 3-4), and each of the list is measured in series of cycles (col.11 lines 1-20, search cycle in active group 1 is every 40ms, search cycle in candidate group is every 100ms, search cycle in neighbor group is every 400ms, and as shown in figure 9, series of search cycles is 3000ms, 3100ms....4000ms, the subset of candidate group (100ms) search cycle is overlapped with active group (40ms) search cycle, and neighbor group (400ms) is overlapped search cycle with candidate group and active group).

Appellants argument that Jeong et al. does not disclose aspect of the subject claims, the Examiner asserts that Haumont et al. this deficiency. As mention above, Jeong et al. disclose every aspect of the subject claims. Jeong et al. alone, disclose the strong signals are in active cells list and weaker signals are in candidate or neighbor cells list (col.1 lines 37-41). Haumont et al. covers Jeong et al. deficiency the limitation "strongest" signal. The Examiner does not rely on Haumont et al. teaching other features.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Tu X Nguyen/

Patent Examiner, Art Unit 2618

6/30/08

Conferees:

/Matthew D. Anderson/

Supervisory Patent Examiner, Art Unit 2618

/Edward Urban/

Supervisory Patent Examiner, Art Unit 2618